

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

DAIMLERCHRYSLER FINANCIAL :  
SERVICES AMERICAS, INC., :  
: Appellant-Cross-Appellee, :  
: v. : File No. 1:08-CV-160  
: :  
WALTER C. MUNZBERG :  
and MARILYN MUNZBERG, :  
: Appellees-Cross-Appellants. :

RULING ON APPEAL OF BANKRUPTCY COURT ORDER

Creditor DaimlerChrysler Financial Services Americas, LLC appeals from the Bankruptcy Court's June 3, 2008 Order partially overruling the creditor's objection to Debtors Walter C. and Marilyn Munzberg's Chapter 13 plan confirmation. The Court granted a stipulated motion for stay (Paper 2) pending a decision of the Second Circuit Court of Appeals in a case presenting a similar issue. That decision having been rendered, the judgment is vacated and the case is remanded to the United States Bankruptcy Court for the District of Vermont for further consideration in light of Reiber v. GMAC, LLC (In re Peaslee), 585 F.3d 53 (2d Cir. 2009).

The Court also notes the decisions of other courts of appeals to address similar issues since the issuance of the Bankruptcy Court Order: In re Howard, --- F.3d ---, No. 09-3181, 2010 WL 680974 (7th Cir. Mar. 1, 2010); Ford Motor Credit Co. v. Dale (In re Dale), 582 F.3d 568 (5th Cir. 2009); Ford Motor Credit Co. v. Mierkowski (In re Mierkowski), 580 F.3d 740 (8th Cir. 2009); Ford v. Ford Motor Credit Corp. (In re Ford),

574 F3d 1279 (10th Cir. 2009); In re Price, 562 F3d 618 (4th Cir. 2009); Graupner v. Nuvell Credit Corp. (In re Graupner), 537 F.3d 1295 (11th Cir. 2008); Ford Motor Credit Co. LLC v. Miller (In re Miller), Nos. KS-09-008, 08-40935, 2009 WL 3863337 (10th Cir. BAP Nov. 19, 2009) (unpub.) (on appeal).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 26<sup>th</sup> day of March, 2010.

/s/ J. Garvan Murtha

Honorable J. Garvan Martha  
Senior United States District Judge